



General Assembly

February Session, 2010

Amendment

LCO No. 4954

SB0005204954SD0

Offered by:

SEN. PRAGUE, 19th Dist.

SEN. CRISCO, 17th Dist.

SEN. DEFRONZO, 6th Dist.

To: Subst. Senate Bill No. 52

File No. 5

Cal. No. 39

"AN ACT CONCERNING A TASK FORCE TO STUDY HEALTH CARE FOR UNINSURED CHILDREN."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 4-104 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2010*):

5 (a) Each private hospital, public hospital society or corporation
6 receiving state aid shall, upon the written demand of any patient who
7 has been treated in such hospital and after his discharge therefrom,
8 permit such patient, [or his physician or authorized attorney] the
9 patient's physician, the patient's attorney or any other person
10 designated as the patient's health care representative to examine the
11 hospital record, including the history, bedside notes, charts, pictures
12 and plates kept in connection with the treatment of such patient, and
13 permit copies of such history, bedside notes and charts to be made by

14 such patient, [his physician or authorized attorney] the patient's
15 physician, the patient's attorney or any other person designated as the
16 patient's health care representative. Upon receipt of a written demand
17 for examination of a hospital record, a private hospital, public hospital
18 society or corporation receiving state aid shall permit such
19 examination to occur not later than thirty days after the date of receipt
20 of the written demand for examination.

21 (b) If any such hospital, society or corporation is served with a
22 subpoena issued by competent authority directing the production of
23 such hospital record in connection with any proceedings in any court,
24 the hospital, society or corporation upon which such subpoena is
25 served may, except where such record pertains to a mentally ill
26 patient, deliver such record or at its option a copy thereof to the clerk
27 of such court. Such clerk shall give a receipt for the same, shall be
28 responsible for the safekeeping thereof, shall not permit the same to be
29 removed from the premises of the court and shall notify the hospital to
30 call for the same when it is no longer needed for use in court. Any such
31 record or copy so delivered to such clerk shall be sealed in an envelope
32 which shall indicate the name of the patient, the name of the attorney
33 subpoenaing the same and the title of the case referred to in the
34 subpoena. No such record or copy shall be open to inspection by any
35 person except upon the order of a judge of the court concerned, and
36 any such record or copy shall at all times be subject to the order of
37 such judge. Any and all parts of any such record or copy, if not
38 otherwise inadmissible, shall be admitted in evidence without any
39 preliminary testimony, if there is attached thereto the certification in
40 affidavit form of the person in charge of the record room of the
41 hospital or his authorized assistant indicating that such record or copy
42 is the original record or a copy thereof, made in the regular course of
43 the business of the hospital, and that it was the regular course of such
44 business to make such record at the time of the transactions,
45 occurrences or events recorded therein or within a reasonable time
46 thereafter. A subpoena directing production of such hospital record
47 shall be served not less than twenty-four hours before the time for

48 production, provided such subpoena shall be valid if served less than
49 twenty-four hours before the time of production if written notice of
50 intent to serve such subpoena has been delivered to the person in
51 charge of the record room of such hospital not less than twenty-four
52 hours nor more than two weeks before such time for production.

53 Sec. 2. Section 4-105 of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2010*):

55 (a) If any patient who has received treatment in [any such hospital]
56 a private hospital, public hospital society or corporation receiving state
57 aid, after his discharge [from such hospital] therefrom, has made
58 written [application] demand to such hospital, hospital society or
59 corporation for permission to examine his record as such patient in
60 such hospital and has been refused permission to examine or copy the
61 same, such patient, [may] patient's physician, patient's attorney or any
62 other person designated as the patient's health care representative
63 may: (1) File a written complaint with the Department of Public Health
64 setting forth the facts that are alleged to constitute a violation of
65 section 4-104, as amended by this act; or (2) file a written motion
66 addressed to any judge of the Superior Court, praying for a disclosure
67 of the contents of such hospital record relating to such patient and for
68 a production of the same before such judge. [Upon such application
69 being filed,]

70 (b) In the event that a patient or a person designated to act on behalf
71 of a patient in accordance with section 4-104, as amended by this act,
72 files a complaint with the Department of Public Health, pursuant to
73 subsection (a) of this section, the commissioner shall conduct a
74 hearing, in accordance with the provisions of chapter 54, on the
75 allegations contained in the complaint. If after such hearing the
76 commissioner finds that there has been a substantial failure by such
77 hospital, hospital society or corporation to comply with the
78 requirements of section 4-104, as amended by this act, the
79 commissioner: (1) Shall order that the hospital record be disclosed to
80 the complainant not later than five calendar days following the date of

81 the decision; and (2) may impose a civil penalty of not more than five
82 thousand dollars against such hospital, hospital society or corporation.
83 In the event that the commissioner finds that any substantial failure to
84 comply with the requirements of section 4-104, as amended by this act,
85 relates to a hospital record that contains information concerning an
86 adverse event, as defined in section 19a-127n, as amended by this act,
87 the commissioner may impose a civil penalty of not more than ten
88 thousand dollars against such hospital, hospital society or corporation.
89 In the case of a continuing violation, each day of the continuance of the
90 violation shall be deemed a separate and distinct offense.

91 (c) In the event that a patient or a person designated to act on behalf
92 of a patient in accordance with section 4-104, as amended by this act,
93 files a written motion praying for disclosure of the contents of the
94 hospital record relating to such patient with the Superior Court, the
95 judge to whom the same has been presented shall cause reasonable
96 notice to be given to such hospital, hospital society or corporation of
97 the time when and place where such petition will be heard, and such
98 judge, after due hearing and notice, may order the officer authorized to
99 act in the capacity of manager of such hospital to produce before him
100 and deliver into his custody the history, bedside notes, charts, pictures
101 and plates of such patient for the purpose of being examined or copied
102 by such patient, his physician or authorized attorney. Each officer of
103 any hospital having custody of the history, bedside notes, charts,
104 pictures or plates of any patient therein, who refuses to produce such
105 record before such judge, pursuant to the provisions of this section,
106 shall be fined not more than [one hundred] ten thousand dollars or
107 imprisoned not more than six months or both.

108 Sec. 3. Subdivision (3) of section 52-146f of the general statutes is
109 repealed and the following is substituted in lieu thereof (*Effective*
110 *October 1, 2010*):

111 (3) Except as provided in section 17b-225, the name, address and
112 fees for psychiatric services to a patient may be disclosed to
113 individuals or agencies involved in the collection of fees for such

114 services. In cases where a dispute arises over the fees or claims or
115 where additional information is needed to substantiate the fee or
116 claim, the disclosure of further information shall be limited to the
117 following: (A) That the person was in fact a patient; (B) the diagnosis;
118 (C) the dates and duration of treatment; and (D) a general description
119 of the treatment, which shall include evidence that a treatment plan
120 exists and has been carried out and evidence to substantiate the
121 necessity for admission and length of stay in a health care institution
122 or facility. If further information is required, the party seeking the
123 information shall proceed in the same manner provided for hospital
124 patients in subdivision (2) of subsection (a) of section 4-105, as
125 amended by this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	4-104
Sec. 2	<i>October 1, 2010</i>	4-105
Sec. 3	<i>October 1, 2010</i>	52-146f(3)